FORM EXEMPT UNDER 44 U.S.C. 3512

INTERNET FORM NLRB-601 (2-0f)

Address\_\_\_\_

### UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE							
Case 18-CA-113993	Date Filed September	24,	2013				

CHARGE ROAMST EMPLOT	1	8-CA-113993	September 24, 201		
NSTRUCTIONS:					
File an original with NLRB Regional Director for the region in which th	e elloged unfair labor practice o GAINST WHOM CHARGE				
a. Name of Employer	SAUNST WHOW CHARGE	15 5,KOUG[]1	Tel. No. 262 549-6372		
			262 549-6372		
DP&K, Inc. dba McDonalds		C.	Ce'l No. cop 354 1003 (11-11)		
			608 251-1993 (store)		
	) = Feed-was Beausastallus		ex No.		
d. Address (Street, city, state, and ZIP code) S40W22690 Sommers Hill, Waukesha, WI 53189	e. Employer Representativo (b) (6), (b) (7)(C)		e-Mail		
2402 S. Park St., Madison, WI 53713 (store)					
	<u></u>	h.	Number of workers employed 50		
<ul> <li>Type of Establishment (factory, mine, wholosaler, otc.) fast food restaurant</li> </ul>	<ol> <li>i. Identify principal product of fast food</li> </ol>	r service			
k. The above-named employer has engaged in and is engaging	n unfair labor practices within	the maaning of section 8(	a), subsections (1) and (list		
subsections)		of the National Labor Rela	illons Act, and these unfair labor		
practices are practices affecting commerce within the meaning within the meaning of the Act and the Postal Reorganization A		or practicos are unfair pra	ctices affecting commerce		
2 Basis of the Charge (set forth a cloar and concise statement of	f the facts constituting the alle	ged unfair labor practices	)		
Since on or about August 22, 2013, the employer vi	a its Park Street (b) (6), (	b) (7)(C) has interfer	ed with, restrained, and		
coerced employees in the exercise of rights guarant	teed by the NLRA by: a)	interrogating employ	ees about their		
involvement in protected activities, b) threatening en	nployees with termination	on if they participated	in protected activities; and		
c) reducing the hours of employees who elected to					
the Madison Workers Organizing Committee.			, -		
			马 - ;		
			24		
			呈 2		
3 Full name of party filling charge (if labor organization, give full	name, including local name ar	nd number)			
3. Full name of party filing charge (if labor organization, give full Madison Workers Organizing Committee	•		- 5		
4a. Address (Street and number, city, state, and ZIP code)		40. 16	l. No. (b) (6), (b) (7)(C)		
260 E. Highland Ave.		4с, Св	4c, Cell No		
Milwaukee, WI 53202					
•		4d. F2	ex No.		
		4e. e-N	Nail .		
•					
5 Full name of national or international labor organization of wh	ich it is an effiliate or constitue	nt unit (lo be filled in when	charge is filed by a labor		
organization) Madison Workers Organizing Committee		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,			
Wadison Workers Organizing Committee	, 				
6. DECLARATION declare that I have read the above charge and that the statements a	ere true to the best of my knowled	dge and belief.	414 271-B650		
0. 0.		L. —	if any, Cell No.		
Richa Richa	ard Saks, Attorney		331-4405		
(signature of ropresuntative or person making charge)	Print/type name and title or office.		o. 414 271-8442		
	_	lieM-a			
222 F. Frie St. P.O. Box 442, Milwaukee, WI	53201-0442 Se	pt. 24, 2013 rsaks	@ha-law.com		

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1801)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 of seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set torth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary however, failure to supply the Information will cause the NLRB to decline to invoke its processes.



# UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

SUBREGION 30 310 W Wisconsin Ave Ste 450W Milwaukee, WI 53203-2246 Agency Website: www.nlrb.gov Telephone: (414)297-3861 Fax: (414)297-3880

September 25, 2013

(b) (6), (b) (7)(C) DP&K Inc. dba McDonalds S40W22690 Sommers Hill Waukesha, WI 53189

Re: DP&K Inc. dba McDonalds

Case 18-CA-113993

Dear



Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Examiner ERIC BOERSCHINGER whose telephone number is (414)297-3871. If this Board agent is not available, you may contact Supervisory Attorney ANITA C. O'NEIL whose telephone number is (414)297-3900.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent.

Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, <u>www.nlrb.gov</u>. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

MARLIN O. OSTHUS Regional Director

By:

BENJAMIN MANDELMAN Officer in Charge

your mandelme

Enclosures:

1. Copy of Charge

2. Commerce Questionnaire

ce: (b) (6), (b) (7)(C)
DP&K Inc. dba McDonalds

2402 S. Park Street Madison, WI 53713

Revised 3/21/2011	NATIONAL LABOR RELA	TIONS BOARD	D			
QU	<b>ESTIONNAIRE ON COMMER</b>	CE INFORM	MATION			
Please read carefully, answer all applicable ite	ms, and return to the NLRB Office. If additi	onal space is requ	uired, please add a page and identify	item number.		
CASE NAME CASE NUMBER						
DP&K Inc. dba McDonalds			18-CA-	113993		
1. EXACT LEGAL TITLE OF ENTITY (	As filed with State and/or stated in lega	documents forn	ming entity)			
2. TYPE OF ENTITY						
[] CORPORATION [] LLC [] L	LP [ ] PARTNERSHIP [ ] SOL	E PROPRIETOR	RSHIP [ ] OTHER (Specify )			
3. IF A CORPORATION or LLC	D. MANG. ADDRESS AND DELATION	NICHTID (	. 1 : 1: ACE ALL DELATE:	D ENTERING		
A. STATE OF INCORPORATION OR FORMATION	B. NAME, ADDRESS, AND RELATION	ONSHIP (e.g. pare	ent, subsidiary) OF ALL RELATE.	DENTITIES		
4. IF AN LLC OR ANY TYPE OF PART	NERSHIP, FULL NAME AND ADDR	ESS OF ALL MI	EMBERS OR PARTNERS			
5. IF A SOLE PROPRIETORSHIP, FUL	L NAME AND ADDRESS OF PROPR	IETOR				
6. BRIEFLY DESCRIBE THE NATURE	OF YOUR OPERATIONS (Products h	andled or manufa	actured, or nature of services perfor	med).		
7. A. PRINCIPAL LOCATION:	B. BRANCH LO	CATIONS:				
8. NUMBER OF PEOPLE PRESENTLY	EMPLOYED					
A. Total:	B. At the address involved in this	natter:				
9. DURING THE MOST RECENT (Che	ck appropriate box): [ ] CALENDAR Y	R [] 12 MON	THS or [] FISCAL YR (FY a	lates	)	
A. Did you provide services valued in	arrange of \$50,000 directly to austome	es autaida rane	State? If no indicate estual ve	luo	YES NO	
\$	excess of \$30,000 directly to custome	is outside your	State? If no, indicate actual va	iuc.		
B. If you answered no to 9A, did you p	rovide services valued in excess of \$	50,000 to custo	omers in your State who purchas	ed goods		
valued in excess of \$50,000 from dia	ectly outside your State? If no, indic	ate the value o	of any such services you pro	vided.		
\$ C. If you answered no to 9A and 9B, did	von provide comiese velved in ever	os of \$50,000 to	a muhlia utilitias, teansit sustam			
	broadcasting stations, commercial but					
less than \$50,000, indicate amount.	\$					
D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate						
amount. \$  E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who						
purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.						
\$						
F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$						
G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points						
outside your State? If less than \$50,000, indicate amount. \$						
H. Gross Revenues from all sales or performance of services (Check the largest amount)						
[] \$100,000 [] \$250,000 [] \$500,000 [] \$1,000,000 or more If less than \$100,000, indicate amount.						
I. Did you begin operations within the last 12 months? If yes, specify date:						
10 ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?						
[ ] YES [ ] NO (If yes, name and address of association or group).  11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS						
NAME	TITLE	E-MAIL ADDR		TEL. NUM	BER	
12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE						
NAME AND TITLE (Type or Print)	SIGNATURE		IL ADDRESS		ATE	
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### **UNITED STATES OF AMERICA**

### BEFORE THE NATIONAL LABOR RELATIONS BOARD

DP&K INC. DBA MCDONALDS  Charged Party  and  MADISON WORKERS ORGANIZING COMMITTEE  Charging Party	Case 18-CA-113993			
AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER  I, the undersigned employee of the National Labor Relations Board, state under oath that on September 25, 2013, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:				
(b) (6), (b) (7)(C) DP&K Inc. dba McDonalds S40W22690 Sommers Hill Waukesha, WI 53189				
(b) (6), (b) (7)(C) DP&K Inc. dba McDonalds 2402 S. Park Street Madison, WI 53713				
September 25, 2013	Kathy Fleming, Designated Agent of NLRB			
Date	Name			
	/s/Kathy Fleming			

Signature



## UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

SUBREGION 30 310 W Wisconsin Ave Ste 450W Milwaukee, WI 53203-2246 Agency Website: www.nlrb.gov Telephone: (414)297-3861 Fax: (414)297-3880

September 25, 2013

Madison Workers Organizing Committee 260 E. Highland Avenue Milwaukee, WI 53202

Re: DP&K Inc. dba McDonalds Case 18-CA-113993

Dear Sir or Madam:

The charge that you filed in this case on September 24, 2013 has been docketed as case number 18-CA-113993. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Examiner ERIC BOERSCHINGER whose telephone number is (414)297-3871. If the Board agent is not available, you may contact Supervisory Attorney ANITA C. O'NEIL whose telephone number is (414)297-3900.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a>, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website www.nlrb.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlrb.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

MARLIN O. OSTHUS Regional Director

By:

BENJAMIN MANDELMAN Officer in Charge

cc: RICHARD SAKS, ESQ. HAWKS QUINDEL, S.C. 222 E Erie St Ste 210 Milwaukee, WI 53202-6000



### UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

SUBREGION 30 310 W Wisconsin Ave Ste 450W Milwaukee, WI 53203-2246 Agency Website: www.nlrb.gov Telephone: (414)297-3861

Fax: (414)297-3880

November 5, 2013

BARRY L. CHAET, ESQ.
BECK, CHAET & BAMBERGER & POLSKY, S.C.
330 E KILBOURN AVE STE 1085
TWO PLAZA EAST
MILWAUKEE, WI 53202-3146

Re: DP&K Inc. dba McDonalds

Case 18-CA-113993

Dear Mr. Chaet:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

MARLIN O. OSTHUS Regional Director

By: /s/ Benjamin Mandelman

BENJAMIN MANDELMAN Officer in Charge

cc: RICHARD SAKS, ESQ. HAWKS QUINDEL, S.C. 222 E ERIE ST STE 210 MILWAUKEE, WI 53202-6000

> MADISON WORKERS ORGANIZING COMMITTEE 260 E. HIGHLAND AVENUE MILWAUKEE, WI 53202

(b) (6), (b) (7)(C)
DP&K INC. DBA MCDONALDS
2402 S. PARK STREET
MADISON, WI 53713

(b) (6), (b) (7)(C) DP&K INC. DBA MCDONALDS S40W22690 SOMMERS HILL WAUKESHA, WI 53189